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SUBJECT: ZAMBIA -- 2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHE

REF: (A) STATE 59732 (B) STATE 005577

11. This is an action cable; see paras 5 through 7 and 10.

12. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

13. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Zambia of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Zambia and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

14. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

15. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Zambia of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

16. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about

which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Zambia,s country narrative in the 2009 TIP Report:

Zambia (TIER 2)

Zambia is a source, transit, and destination country for women and children trafficked for the purposes of forced labor and sexual exploitation. Child victims, primarily trafficked within the country for labor and sexual exploitation, tend to be female, adolescent, and orphaned. In exchange for money or gifts, relatives or acquaintances often facilitate the trafficking of a child to an urban center for prostitution. Children are sometimes trafficked as a consequence of soliciting help from strangers such as truck drivers. Many Zambian child laborers, particularly those in the agriculture, domestic service, and fishing sectors, are also victims of human trafficking. Traffickers most often operate through ad hoc, flexible networks of relatives, truck drivers, business people, cross-border traders, and religious leaders. Organized rings offer Zambian women false job or marriage offers, then traffic them to South Africa via Zimbabwe for sexual exploitation, or to Europe via Malawi. Zambia's geographic location, porous borders, and lax immigration enforcement make it a nexus for transnational trafficking from the Great Lakes region and Congo to South Africa for agricultural labor. Adults and children from Malawi and Mozambique are occasionally trafficked to Zambia for forced agricultural labor.

The Government of Zambia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government made strong efforts to increase and improve law enforcement efforts against trafficking offenders, to raise public awareness of trafficking, and address demand. Services for victims, however, remained inadequate and the new anti-trafficking law has yet to be enforced.

Recommendations for Zambia: Continue to train police, immigration, and court officers on implementation of the new trafficking law; formalize and implement victim identification and referral procedures; improve government services for human trafficking victims as provided for in the new law; increase anti-human trafficking awareness, particularly among government labor officials; and monitor the employment and labor recruiting agencies and hold labor recruiters accountable for fraudulent recruitment practices that contribute to forced labor.

Prosecution

The Government of Zambia,s anti-trafficking law enforcement efforts produced concrete results over the reporting period. Zambia,s president signed the comprehensive "Anti-Human Trafficking Act of 2008" into law on November 19, 2008. In the months since its entry into force, no investigations or prosecutions were started under its provisions. The new law criminalizes all forms of trafficking. The law prescribes sufficiently stringent penalties for trafficking that are commensurate with those prescribed for other serious crimes, such as rape; penalties range from 25 years, to life

imprisonment, depending on various circumstances. Two trafficking offenders were prosecuted and convicted in 2008 under anti-trafficking provisions in earlier laws. In April, the Kasama High Court sentenced two men to 20 and 25 years, imprisonment, respectively, for child trafficking. The men were caught in 2006 attempting to sell an eight year-old boy for forced labor. A lack of financial resources, trained personnel, and technical capability, coupled by petty corruption at borders, police stations, and other lower-level government offices, constrain the government's ability to combat trafficking. With NGO assistance, the Zambia Police Victims, Support Unit is revising its data collection practices on trafficking to improve monitoring and reporting.

The Zambia Law Development Commission published a manual on the new anti-trafficking law for police and prosecutors, and began training officials in February 2009. The government worked with NGOs to train police nationwide on human trafficking issues, and to develop a cadre of trainers within the Zambia Police Service (ZPS). One such trainer and an immigration official conducted four months of follow-on anti-trafficking training at border posts around Zambia. The ZPS also instituted a national hotline for police officers, to connect them directly with ZPS officers trained to identify and investigate trafficking.

Protection

The government made minimal efforts to protect victims of trafficking over the reporting period. Its close cooperation with IOM, UNICEF, and the YWCA has not resulted in the provision of adequate services for victims identified within Zambia or repatriated from destination countries. The government has not yet allocated funds for projects mandated by its anti-trafficking law, such as the establishment of government centers for victims of trafficking. During the year, the Ministry of Youth and Sports and the Gender in Development Division of the Cabinet Office provided limited financial support to NGOs which run shelters housing victims of trafficking along with victims of domestic violence or other crimes. The government did not have a formal mechanism for referring victims to NGOs for these services. Shelters offer some limited psychological counseling, medical treatment, and assistance dealing with the police; some also offer brief training in income-generating activities such as sewing or handicrafts. The new law prohibits the summary deportation of a trafficking victim and provides legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution. The government generally does not penalize victims for unlawful acts committed as a direct result of being trafficked. The government encourages victims to assist in the investigation and prosecution of traffickers. Courts may order a convicted trafficking offender to pay reparations to victims for damage to property, physical, psychological or other injury, or loss of income and support.

Prevention

The Zambian government demonstrated increasingly strong efforts to prevent trafficking over the reporting period. In January 2009, it formed an interagency committee on trafficking, and approved a national anti-trafficking policy and an accompanying communications strategy developed in association with NGOs and other stakeholders. IOM and a local NGO operate a 24-hour hotline for Zambians to report possible trafficking cases or ask about the bona fides of offers to work abroad. The media extensively covered Zambian police raids of suspected brothels in high-density neighborhoods; police officials were quoted in the press stressing that prostitution is illegal and dangerous for both the clients and the prostitutes. The Zambian government's interagency committee on trafficking obtained weekly air time on ZNBC, the nation's largest television broadcaster, and on a national radio station to talk about trafficking issues. The government launched its "Break the Chain of Human Trafficking" trafficking prevention campaign with assistance from IOM. The government targeted both potential trafficking victims and those driving the demand for the services of

human trafficking victims with its information campaign. It also worked with IOM to monitor movement patterns along the Zambia-Zimbabwe border for evidence of forced migration and human trafficking. The military has no specific measures in place to provide anti-trafficking training to troops currently participating in peacekeeping missions. New military personnel, however, will receive trafficking awareness training as part of a new anti-trafficking curriculum being developed for training academies.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch

List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: What is the nature of the trafficking situation in Zambia?

¶A. Zambia is a source, transit, and destination country for women and children trafficked for the purposes of forced labor and sexual exploitation. Child victims, primarily trafficked within the country for labor and sexual exploitation, tend to be female, adolescent, and orphaned. In exchange for money or gifts, relatives or acquaintances

often facilitate the trafficking of a child to a city for prostitution. Children are sometimes trafficked as a consequence of soliciting help from strangers such as truck drivers. Many Zambian child laborers, particularly those in the agriculture, domestic service, and fishing sectors, are also victims of human trafficking. Traffickers most often operate through ad hoc, flexible networks of relatives, truck drivers, business people, cross-border traders, and religious leaders. Organized rings lure Zambian women with false job or marriage offers, then traffic them to South Africa for sexual exploitation, or to Europe via Malawi. Its geographic location, porous borders, and lax immigration enforcement make it a nexus for transnational trafficking from the Great Lakes region and Congo to South Africa for agricultural labor. Adults and children from Malawi and Mozambique are occasionally trafficked to Zambia for forced agricultural labor.

Q2: If the problem is so serious in Zambia, why was it upgraded to Tier 2 this year?

A. The Government of Zambia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government made strong efforts to increase and improve law enforcement efforts against trafficking offenders, to raise public awareness of trafficking, and address demand. Services for victims, however, remained inadequate and the new anti-trafficking law has yet to be enforced.

Q3: What can Zambia do to further its anti-trafficking efforts?

A. The government could train more law enforcement and court officers on provisions of the new law; implement victim identification and referral procedures; improve government services for trafficking victims as provided for in the new law; increase anti-trafficking awareness, particularly among labor officials; and monitor recruiting agencies and hold recruiters accountable for fraudulent practices that contribute to forced labor.

12. The Department appreciates posts, assistance with the preceding action requests.
CLINTON